MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2021/2022

UAL 2612 – ADMINISTRATIVE LAW

(All sections / Groups)

30 NOVEMBER 2021
Reading Time: 9.15am – 9.30am
(15 Minutes)
Answering Time: 9.30am – 12.30pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 pages with 5 Questions only.

3. Answer **ONE** question in **PART A** and **ALL** questions in **PART B**. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are only allowed to bring in CLEAN AND ORIGINAL COPY of the following statutes into the exam venue:
   i. Rules of Court 2012

   "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

PART A: ANSWER ONE (1) QUESTION ONLY

QUESTION 1

a) Classify the limitation(s) in initiating torts against the public bodies.

(10 marks)

b) There is no way that you can take action against the government under vicarious liability as they are protected under the law. Illustrate your answer to agree/disagree with the said statement by referring to the Government Proceedings Act 1956 and other authorities, if any.

(15 marks)

(Total: 25 marks)

QUESTION 2

a) Describe the significance of *Ahmad Azam bin Mohd Salleh v Jabatan Pembagunan Koperasi Malaysia* [2004] 4 MLJ 86 and in your opinion, whether the decision is rightly made.

(10 marks)

b) "…However not all the decision can be referred to the courts for judicial review."

-Md Suhel Miah, *The limitations of Judicial Review on U.K perspectives*

Based on the above statement, explain your views on limitations of judicial review by referring to cases and authorities.

(15 marks)

(Total: 25 marks)

PART B: ANSWER ALL QUESTIONS

QUESTION 3

Lily, an activist, was at the Melaka Central bus station heading to Seremban to attend a charity event when she was prevented from doing so by a group of police officers. They merely told her that she had been banned from leaving the state. Unbeknownst to her, Lily further discovered that according to the Director of Internal Defense Department's (a branch under the Ministry of Defense) instruction, she was blacklisted from leaving the state for 1 year on the ground of political incitement against the government using her online social media account.

Continued…

Lily asserted that there is no such provision under the Defense Act 1940 (fictitious) to bar a citizen from travelling interstate in similar circumstances. Advise Lily.

(Total: 25 marks)

QUESTION 4

Cases of domestic violence have increased as a result of the Movement Control Order (MCO) implemented in Malaysia. The Women's Aid Organisation (WAO) received a staggering total of 1746 calls in April and May as compared to 250 calls in February- this greatly shown the severity of domestic violence cases during the implementation of the MCO. To make matters worse, victims were also unable to seek further civil remedies nor legal assistance during MCO as judicial services were not categorised as essential services.

Based on the above situation, do you think that the Human Rights Commission of Malaysia (SUHAKAM) is able to play a viable role on such matters? Produce your opinion with relevant cases and authorities.

(Total: 25 marks)

QUESTION 5

Under section 24 of the Public Transport Act 2000 (fictitious), it stated that the Director has the power to approve the application for license renewal of a blacklisted driver if he was satisfied that the applicant is in a good behaviour for 5 years term after being blacklisted.

The Minister decided not to approve Maria's application due to reliance on her involvement in one drunk driving case. In the said case, she was dismissed due to her situation of merely being a passenger and even the Investigation Officer had made it clear that she does not contribute to the main cause of the said accident, as per stated in the affidavit provided.

Advise Maria.

(Total: 25 marks)

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